

"IV. The packages of Ora-Noid Mouth Powder, seized as aforesaid, are misbranded within the meaning of the act of Congress of June 30, 1906, known as the Food and Drugs Act, as amended by the Act of August 23, 1912 (U.S.C. title 21, secs. 1-15)."

On December 15, 1933, judgment of condemnation and forfeiture was entered, and the court ordered the product destroyed by the United States marshal. On January 3, 1934, an order having been entered in the case instituted in the Eastern District of Michigan permitting withdrawal of the claim and answer, judgment was entered ordering that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

21804. Adulteration and misbranding of Dr. Koch's Mentholene Ointment, Dr. Koch's Cold and Grip Tablets, and Dr. Koch's Sept-O-Cide; misbranding of Dr. Koch's Rolatum Healing Salve, Dr. Koch's Mustard Ointment, We-No-Nah Poultry Tonic, and Dr. Koch's Vegetable Family Tea. U. S. v. Dr. Koch Vegetable Tea Co. Plea of nolo contendere. Fine, \$130. (F. & D. no. 29413. I.S. nos. 39539, 39540, 41045 to 41050 incl., 41110, 41111, 41112, 47027, 47028, 47029.)

Examination of the drug preparations involved in this case disclosed that the articles contained no ingredients or combinations of ingredients capable of producing certain curative and therapeutic effects claimed in the labelings. Tests conducted to determine the truthfulness of the antiseptic claims for the Mentholene Ointment, and the antiseptic and germicidal claims for the Sept-O-Cide proved that the former was not an antiseptic, and that the latter was not an antiseptic and germicide when used according to directions. The Cold and Grip Tablets, upon analysis, were found to contain less acetanilid than was declared on the label.

On January 23, 1934, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District court an information against the Dr. Koch Vegetable Tea Co. a corporation, Winona, Minn., alleging shipment by said company in violation of the Food and Drugs Act as amended, between the dates of December 1, 1931, and January 5, 1932, from the State of Minnesota into the States of West Virginia, Wisconsin, and Illinois of various shipments of Dr. Koch's Mentholene Ointment, Dr. Koch's Cold and Grip Tablets, and Dr. Koch's Sept-O-Cide which were adulterated; and of quantities of Dr. Koch's Rolatum Healing Salve, Dr. Koch's Mustard Ointment, We-No-Nah Poultry Tonic, and Dr. Koch's Vegetable Family Tea, which were misbranded.

Analyses of samples of the articles by this Department showed that Dr. Koch's Mentholene Ointment consisted essentially of small proportions of menthol, camphor, and eucalyptol incorporated in a petrolatum and paraffin base; that Dr. Koch's Cold and Grip Tablets consisted essentially of acetanilid (2.13 grains per tablet), caffeine (0.24 grain per tablet), phenolphthalein, extracts of plant material, including cinchona, starch, and calcium carbonate; that Dr. Koch's Sept-O-Cide consisted essentially of small proportions of zinc chloride, saccharin, formaldehyde, an acid, volatile oils, including peppermint oil, thymol, and menthol, alcohol, glycerin, and water, colored with a red dye; that Dr. Koch's Rolatum Healing Salve consisted essentially of zinc oxide and a small proportion of phenol incorporated in petrolatum; that Dr. Koch's Mustard Ointment consisted essentially of volatile oils, including mustard oil, methylsalicylate and capsicum oleoresin, incorporated in petrolatum; that We-No-Nah Poultry Tonic consisted essentially of sulphur, calcium carbonate, sodium chloride, iron sulphate, plant material, including capsicum, charcoal, phosphates, sulphates, and a small proportion of cantharides; and that Dr. Koch's Vegetable Family Tea consisted essentially of plant material, including senna, sassafras, coriander, fennel, licorice, uva ursi, and sage.

It was alleged in the information that the Mentholene Ointment and the Sept-O-Cide were adulterated in that their strength and purity fell below the professed standard and quality under which they were sold in that the former was represented to be an antiseptic, whereas it was not an antiseptic; and the latter was represented to be antiseptic, germicidal, purifying, and germ-destroying and an efficient antiseptic and germicide when used as directed, whereas it was not antiseptic, germicidal, purifying, and germ-destroying, and was not an efficient antiseptic and germicide when used as directed.

Adulteration of the Cold and Grip Tablets was alleged for the reason that the article fell below the professed standard and quality under which it was sold, since each tablet was represented to contain 2½ grains of acetanilid,

whereas each tablet contained less than $2\frac{1}{2}$ grains, namely, not more than $2\frac{1}{3}$ grains of acetanilid.

Misbranding of the Mentholene Ointment was alleged for the reason that the statement on the label, "Antiseptic", was false and misleading, since the article was not antiseptic. Misbranding of the Sept-O-Cide was alleged for the reason that the statements, (bottle) "Sept-O-Cide * * * Antiseptic * * * Directions", (circular) "For sterilization and germinal purposes * * * to be employed wherever its purifying and germ destroying properties are required * * * Dr. Koch's Sept-O-Cide is a * * * very efficient and germicide", were false and misleading, since the article was not antiseptic or germicidal, was not purifying and germ-destroying, and was not an efficient antiseptic and germicide when used as directed. Misbranding of the Cold and Grip Tablets was alleged for the reason that the statement, "Each tablet contains $2\frac{1}{2}$ grains of Acetanilid", borne on the label was false and misleading, since the tablets contained less than $2\frac{1}{2}$ grains of acetanilid.

Misbranding of the Rolatum Healing Salve was alleged for the reason that the labeling falsely and fraudulently represented that the article was effective as a treatment, remedy, and cure for salt rheum, eczema, sores, boils, piles, sore eyelids, tetter, leprosy, lichen, itch, scrofulous ulcers, erysipelas sores, milk leg, old sores, running sores, abscesses, and carbuncles.

Misbranding of the Mentholene Ointment was alleged for the reason that the labeling falsely and fraudulently represented that the article was effective as a treatment, remedy, and cure for catarrh, hay fever, croup, pneumonia, and sore throat.

Misbranding of the Cold and Grip Tablets was alleged for the reason that the labeling falsely and fraudulently represented that the article was effective as a treatment, remedy, and cure for grip.

Misbranding of Mustard Ointment was alleged for the reason that the labeling falsely and fraudulently represented that the article was effective as a treatment, remedy, and cure for croup, pleurisy, bronchitis, and sore joints.

Misbranding of Sept-O-Cide was alleged for the reason that the labeling falsely and fraudulently represented that the article was effective as a treatment, remedy, and cure for sore, spongy or bleeding gums, tender mouth, sore throat, and tonsilitis; effective for the prevention of certain infection and to guard the system against contagious disease; and effective as a treatment, remedy, and cure for certain inflamed mucous membrane of mouth and throat.

Misbranding of We-No-Nah Poultry Tonic was alleged for the reason that the labeling falsely and fraudulently represented that the article was effective as a preventive of disease in poultry; effective to regulate the liver and digestive organs and have a special beneficial action on the egg-producing organs of the hen; effective to make hens lay; effective to cure cholera in poultry; effective to cure severe cases of cholera in poultry; effective to promote growth and fatten poultry; effective to insure good health and a strong and vigorous body and increase the production of eggs in poultry; effective to keep poultry in a healthy condition and to fatten turkeys and all kinds of poultry; and effective to regulate the entire system.

Misbranding of the Vegetable Family Tea was alleged for the reason that the labeling falsely and fraudulently represented that the article was effective as a treatment, remedy, and cure for ailments of the blood, stomach, liver, and kidneys; effective as a remedy for kidney troubles; effective to impart to the complexion the freshness and brilliancy which belong to youth; effective to produce a clear and beautiful complexion; effective to insure good health; effective to remove many of the principal causes of sickness and as a treatment for disordered stomach; effective to purify the blood and to overcome that tired feeling; effective to overcome the weakening, debilitating effects of hot weather; effective to avert the great danger to health in the varying temperature, cold, and storms of the autumn; effective to calm the fear of the chilling blasts and sudden changes of temperature in winter; effective to soothe the fretful baby; effective to prevent long and tedious spells of sickness; effective as a treatment, remedy, and cure for dizziness, palpitation, loss of sleep, distress after eating, eruptions of the skin, that "all-gone" feeling, and disorders of the stomach.

On January 24, 1934, a plea of nolo contendere was entered on behalf of the defendant company, and the court imposed a fine of \$130.

M. L. WILSON, *Acting Secretary of Agriculture.*